

The Restriction Requirement

The Office has required restriction to one of the following groups of inventions under 35 U.S.C. § 121:

Group I: claims 1-18, drawn to a semiconductor device, classified in class 257, subclass 678; and

Group II: claims 19-25, drawn to a method of fabricating a semiconductor device, classified in class 438, subclass 10+.

The Office argues that Groups I and II are related as a process of making and product made. The Office further argues that the inventions of these two groups are distinct since the product as claimed can be made by another and materially different process such as the ceramic layer in claim 1 can be attached via a phenol resin instead of an epoxy. The Office notes that claims 21-24 are linking claims. The Office concludes that because the groups of inventions are distinct for these reasons, and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes is proper.

Applicant elects with traverse to prosecute the invention of Group I, claims 1-18. Applicant does NOT traverse the Office's classification of the groups of inventions as distinct and entailing different patentability determinations, merely the reasoning behind the Office's classification. Applicant agrees with the classification of claims 21-24 as linking claims.

Applicant respectfully disagrees that the Office has shown that the invention of Group I can be made the proposed other and materially different process. The claims of Group I include semiconductor packages where the ceramic layer is attached via an epoxy (claims 6 and 14) AND

semiconductor packages where the ceramic layer is not attached by an epoxy (claims 1 and 11). Thus, the product as claimed (packages where the ceramic layer is not attached by an epoxy) can not be made the materially different process proposed by the Office of using a phenol resin.

Thus, the Office has not established a proper restriction requirement between Groups I and II. Accordingly, Applicant requests withdrawal of this restriction requirement and examination of all pending claims.

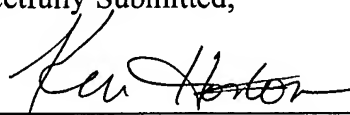
CONCLUSION

For the above reasons, Applicant respectfully requests the Office to withdraw the restriction and election of species requirements and examine all the pending claims.

If there is any fee due in connection with the filing of this Response, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

By



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